

Exhibit E

Declaration of Michael J. Avenatti

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BAHAMAS SURGERY CENTER, LLC,

Plaintiff,

vs.

KIMBERLY-CLARK CORPORATION,
a Delaware Corporation, and HALYARD
HEALTH, INC., a Delaware
Corporation,

Defendants.

CASE NO.: 14-CV-08390 DMG (PLA)

**DECLARATION OF MICHAEL J.
AVENATTI IN SUPPORT OF
MOTION TO APPOINT INTERIM
CLASS COUNSEL**

Hearing Information:

Date: May 3, 2019

Time: 9:30 a.m.

Courtroom: 8C

DECLARATION OF MICHAEL AVENATTI

I, Michael J. Avenatti, declare:

1. I am an attorney duly admitted to practice before this Court. I am currently lead class counsel for Plaintiff Bahamas Surgery Center, LLC (“Bahamas” or “Plaintiff”) on behalf of itself and the class of persons and entities similarly situated. I was appointed individually as lead class counsel by this Court on November 14, 2016 (Dkt 270 at p. 35), a ruling that was later reaffirmed by this Court on March 24, 2017 (Dkt 452). I have personal knowledge as to all matters set forth in this Declaration, and if called to testify, could and would competently testify thereto.

2. Out of an abundance of caution and to ensure that my fiduciary duties are met, I believe it is in the best interests of the class to relinquish my role as lead class counsel at this time. I have confidence in the existing team of attorneys who have been directly and intimately involved in the prosecution and trial of this matter for years, as well as the preparation of the briefs before the Ninth Circuit. In addition, because I have been lead counsel since the inception of the case and thus have intimate knowledge of the facts and legal theories of the litigation, I will continue to be available to William Hearon and Ahmed Ibrahim for consultation and input, as may be requested by them in their lead counsel role.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 1st day of April, 2019.

/s/

Michael J. Avenatti